

RAYMOND TARLTON, as guardian ad litem
for HENRY LEE MCCOLLUM, and J.
DUANE GILLIAM, as guardian of the estate of
LEON BROWN, *et al.*,

Plaintiffs,

v.

KENNETH SEALEY, both individually and in
his official capacity as the Sheriff of Robeson
County, *et al.*,

Defendants.

¹ As of the date of this filing (May 9, 2023), the total accrued interest is \$154,696.44, and it continues to accrue.

Plaintiffs have satisfied all statutory prerequisites for executing judgment. On March 2, 2022, Defendant Leroy Allen was served with a notice of right to have exemptions designated, as required by N.C. Art. 16, § 1C-1603. *See* Dkt. No. 469. On March 21, 2022, Defendant Allen filed a Notice to Claim Exempt Property, where he claimed certain exemptions within the limitations permitted by N.C. Art. 16, § 1C-1603. *See* Dkt. No. 471-1. Plaintiffs do not object to these exemptions subject to the statutory limits. *See* N.C. Art. 16, § 1C-1603. On March 3, 2022, Defendant Charlotte Noel Fox, as administrator of the Estate of Kenneth Snead, was served with a notice of right to have exemptions designated. Dkt. No. 470. On March 21, 2022, Defendant Fox filed a letter acknowledging that she is the Administrator of Kenneth Snead’s estate, and stating that the “rights [Plaintiffs] ha[ve] to Estate assets will be determined by N.C.G.S. § 28-A-19-6.” Dkt. No. 472. Defendant Fox did not file a notice to claim exempt property; thus, Defendant Fox has waived her right to claim exemptions. *See* N.C. Art. 16, § 1C-1603. With these preliminaries satisfied, Plaintiffs now request execution on the Second Amended Judgment this Court entered on April 20, 2023. *See id.* (absent judgment creditor objections to the debtor’s claimed exemptions and “[u]pon request of the judgment creditor, the clerk must issue an execution or writ of possession except for exempt property”).

Dated this 9th day of May, 2023.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2023, I filed this Application for Writ of Execution with the Clerk of Court using the CF/ECF system, which will electronically serve this motion on both Plaintiffs' and Defendants' attorneys as follows:

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